IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1456/05

Pooran **Versus** State

DATE OF ORDER :: 11/12/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr.K.K. Sahu for Mr.V.S. Badhwar, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed against order dated 19th September, 2005 whereby learned trial Judge on application filed by petitioner for giving the fire arms on supurdagi was rejected.

It appears that petitioner, who was facing trial for offence u/ss.307 IPC & 3/25 of Arms Act, was acquitted by the competent court of jurisdiction after giving benefit of doubt vide judgment dated 23rd September, 2003 and since no evidence came on record about valid licence and fire arms was also not recovered from petitioner, learned trial Judge directed to seize the same and be deposited in Malkhana, Bharatpur.

This is the final order passed by learned trial Judge and refusal to grant fire arms on supurdagi to petitioner, in opinion of this court, is appealable order u/s.454 Cr.P.C. This court is not inclined to exercise inherent powers available u/s.482 Cr.P.C., particularly, when the

statutory remedy is available to petitioner. If any appeal is preferred along with application seeking condonation of delay, the court may take note of the fact about pendency of this petition which was filed way back in November, 2005 and consider the same objectively.

With the above observations, the misc. petition stands disposed of.

[AJAY RASTOGI],J.